

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALVETT FOBBS, ET AL.,

Case No. C09-02723 PJH (JCS)

Plaintiff(s),

**DISCOVERY ORDER**

v.

NEW HAVEN UNIFIED SCHOOL  
DISTRICT, ET AL.,

Defendant(s).

On April 23, 2010, a Discovery Conference was held. Pamela Price, Jeshawna Harrell, and John Burris, appeared for Plaintiffs'. Rachel Wagner, counsel for Defendant City of Union City, appeared.

IT IS HEREBY ORDERED that:

1. As agreed to by the parties, and unless otherwise ordered by the Court, discovery is limited to class certification issues until the hearing on any motion for class certification.
2. As agreed to by the parties,
  - a. Written discovery on class certification issues shall be completed on or before June 11, 2010; and
  - b. Depositions on class certification issues commenced on April 23, 2010, and shall be completed on or before July 7, 2010.
3. The police file and reports generated in connection with the murder of Vernon Eddins shall be produced (except to the extent protected from disclosure by the attorney client privilege or the attorney work product doctrine and listed on the defendants' privilege log) and shall be governed by paragraph 6.1(a) of the Protective Order in

1 this matter. Attorney John Burris is added to the list of counsel for plaintiffs who  
2 may review that file under the Protective Order. In addition, the words “once their  
3 depositions have been noticed and set” shall be deleted from the fourth sentence of  
4 paragraph 6.1(a). Any requests to disclose any part of the file other than as provided  
5 in paragraph 6.1(a) will be addressed on a case by case basis.

- 6 4. Plaintiffs shall disclose, on or before June 1, 2010, the names of all absent class  
7 members whose declaration they intend to submit in support of class certification.  
8 Defendants may depose those absent class members on or before July 7, 2010.  
9 Plaintiffs may not submit, in connection with their motion for class certification, any  
10 declarations by absent class members not disclosed to Defendants on or before June  
11 1, 2010.
- 12 5. The parties shall meet and confer on the time period to be used for the production of  
13 documents on the class certification issues. If the parties are unable to agree, the  
14 production of documents for class certification issues only shall be limited to the time  
15 period 2005 to the present.
- 16 6. An updated discovery statement shall be due by May 12, 2010.
- 17 7. A further discovery conference is set for **May 14, 2010, at 1:30 p.m.**

18 IT IS SO ORDERED.

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20 Dated: May 3, 2010

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23 JOSEPH C. SPERO  
24 United States Magistrate Judge  
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